

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

COGENT WASTE SOLUTIONS LLC  
Employer

and

Case 29-RC-256449

WASTE MATERIAL, RECYCLING, AND  
GENERAL INDUSTRIAL LABORERS, LOCAL  
108

Petitioner

and

LEAGUE OF INTERNATIONAL FEDERATED  
EMPLOYEES, LOCAL 890

Intervenor

and

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 813

Intervenor

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup> The Employer's request to stay the election is denied as moot.

JOHN F. RING,

CHAIRMAN

MARVIN E. KAPLAN,

MEMBER

WILLIAM J. EMANUEL,

MEMBER

Dated, Washington, D.C., August 27, 2020.

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<sup>1</sup> In denying review, we note that, contrary to the Employer, the Regional Director's specification of an eligibility date in the Decision and Direction of Election does not represent a binding determination that any employee employed on that date remains eligible to vote. To be eligible to vote in a Board election, an employee must be in the appropriate unit (1) on the established eligibility date, and (2) in employee status on the date of the election. See, e.g., *Plymouth Towing Co.*, 178 NLRB 651 (1969); *Gulf States Asphalt Co.*, 106 NLRB 1212, 1214 (1953). Permanently laid-off employees (i.e., those with no reasonable expectation of recall) are not eligible to vote in Board elections. See *Apex Paper Box Co.*, 302 NLRB 67, 68 fn. 2 (1991). Any disputes regarding eligibility of laid off employees may be resolved using the challenged ballot procedure.